

SAMPLE HABITAT CONSERVATION PLAN

The following is a sample Habitat Conservation Plan (HCP) that the Applicant may use as a template in the preparation of his/her HCP. Please note that the plan may have to be modified to fit the Applicant's particular situation.

If you have any questions, call Erin Gawera (ext. 121) or Paula Sisson (ext. 126) at 904-232-2580, or write to the following address:

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Habitat Conservation Plan
for the
Threatened Florida Scrub-Jay (*Aphelocoma coerulescens*)
in Palm Bay, Brevard County, Florida

Prepared By: _____

Introduction

_____ (Applicant(s))
has prepared this Habitat Conservation Plan (HCP) to fulfill partial requirements of section 10(a)(1)(B) of the Endangered Species Act (Act). The Applicant(s) currently owns a residential lot(s) containing about _____ acre(s) located in the City of Palm Bay. The lot(s) above are individually identified as:

Lot _____, Unit _____, Block _____
Lot _____, Unit _____, Block _____
Lot _____, Unit _____, Block _____
Lot _____, Unit _____, Block _____
Lot _____, Unit _____, Block _____

within the Port Malabar subdivision, Brevard County, Florida.

Florida scrub-jays (*Aphelocoma coerulescens*)(scrub-jay) were located within 438 feet of the residential lot(s) described above during surveys conducted in 2001-2002 by Brevard County staff. Given the close proximity of the lot(s) to documented sightings of scrub-jays and the lack of any apparent obstacles between areas where scrub-jays have been observed and the residential lot(s) described above, we believe that scrub-jays use this lot(s) for feeding, breeding, and/or sheltering.

Preparation for residential construction and installation of infrastructure will result in the destruction of _____ acre(s) of occupied scrub-jay habitat. The City of Palm Bay's building department has instructed the Applicant(s) that local permitting necessary to begin residential construction will not be provided until such time that they are notified by the Service that a building permit may be issued. Without the ability to obtain a building permit, the Applicant(s) is unable to build on the residential lot(s). This HCP and incidental take permit (ITP) application have been completed by the Applicant(s) to acquire approval to take scrub-jays incidental to lot clearing in preparation for residential construction.

Purpose

The Applicant(s) proposes to seek a building permit from the City of Palm Bay to construct a single-family residence on the residential lot(s) described above. Construction of a single-family home and infrastructure will destroy habitat occupied by the scrub-jay. The anticipated take will occur as a result of harm to resident scrub-jays. The proposed actions are otherwise legal and consistent with local, County, and State laws. Therefore, the Applicant(s) is applying for incidental take authority for the Florida scrub-jays inhabiting the residential lot(s) identified above.

Permit Duration

The Applicant(s) intends to complete construction within six months of the issuance of an incidental take permit (ITP) from the Service. However, to ensure against the possibility of unavoidable delays, the Applicant(s) is requesting an ITP duration of one year.

Project Site Conditions

On-site Conditions – Occupied scrub-jay habitat in the City of Palm Bay consists of a myriad of disturbed scrub habitats due to lack of fire, residential development, and previous land uses. Many of the undeveloped residential lots are comprised of overgrown scrub with pine, scrub oaks and palmetto. Some of the lots have been cleared and consist of low growing forbs, grasses, and scattered sandy patches. Historical land uses may have included crop production and cattle ranching operations.

Surrounding Land Uses - The residential lot(s) in question is part of the large, partially built-out Port Malabar subdivision. It is estimated that about 50 percent of the lots currently contain homes. The remaining lots contain native and/or exotic vegetation or have been previously cleared of vegetation.

Wildlife - Due to the small size of the residential lot(s) and the fragmented nature of the remaining undeveloped lots in this subdivision, few wide-ranging wildlife species are likely to be present. As typically found in most urban settings, a number of common passerine birds can be expected to frequent the residential lots in question. Common “backyard” animals, such as gray squirrels, armadillos, and raccoons are also likely to be present occasionally.

Impact Assessment

Land clearing and subsequent construction of a single-family home on this residential lot(s) will destroy scrub-jay habitat. The loss of habitat will contribute to declines in the scrub-jay population within the City of Palm Bay due to increasing hatching failure and higher mortality of nestlings. The loss of occupied habitat can result in a 10.4 percent increase in hatching failure, nest destruction due to wind damage, and a 12.0 percent higher mortality of nestlings. The loss of habitat can also result in a decrease in fecundity due to lack of synchrony between nesting and availability of seasonal food resources.

Minimization Measures

The Applicant(s) agrees to minimize impacts by avoiding land clearing during the nesting season (March – June) if any active nests are found on the lot(s).

Mitigation Measures

The Applicant(s) proposes to provide \$_____ [(combined total acreage of lot(s) x 2) x \$10,014] to the Florida Scrub-jay Conservation Fund (Fund) administered by The Nature Conservancy sufficient to acquire and perpetually manage twice as much habitat as will be destroyed. The amount of mitigation funding provided is consistent with acquisition and management endowment costs currently applied by a private, for-profit company that acquires scrub-jay mitigation parcels for section 10 applicants. The amount also meets the Service's guidelines for small lot owners. The Applicant(s) proposes to submit funding to the Fund within 30 days following issuance of the incidental take permit by the Service.

Monitoring

Due to the small scope of the proposed action and the short duration of the requested ITP, extensive monitoring is not proposed. However, to ensure that residential construction does not affect nesting scrub-jays, the Applicant(s) agrees to look for active nests nearby during the nesting season. If any nests are found, the Applicant(s) will contact the Service for further coordination.

Biological Goals of the HCP

The biological goal of this HCP is to provide sufficient funding to ensure that a commensurate amount of scrub-jay habitat is purchased and managed perpetually so that scrub-jays will continue to survive.

Alternatives Considered to Avoid Take of Scrub-jays

Avoiding take of scrub-jays could be accomplished only if the residential lot(s) was not developed. The Applicant(s) could avoid taking scrub-jays by declining to build on the lot(s). However, this alternative is not viable since the construction of the residence provides the Applicant's() family with a home and investment for the future. In addition, since the subject parcel is small and contained within a residential setting, purchase for conservation purposes by local governments or non-profit organizations is not likely. The lot(s) is not currently listed by the State or local County government as a target for conservation acquisition.

Changed Circumstances

The Applicant(s) expects that circumstances in and around the vicinity of the residential lot(s) will remain unchanged during the duration of the requested permit. This area is residentially platted with infrastructure and there is no expectation that this use will change in the future. Furthermore, due to urbanization in this area, it is unlikely that habitat suitability for the Florida scrub-jay will be enhanced over the permit period. Accordingly, due to the short duration of the permit request, small size of the area to be impacted, and continued future use of this area as a residential community, the Applicant(s) does not believe that changed circumstances are expected.

Unforeseen Circumstances

The short duration of the requested permit, small size of the parcel and biological information for scrub-jays suggest that unforeseen circumstances are unlikely. However, the Applicant(s) understands that it is possible that unforeseen circumstances may arise and agree to work with the Service to resolve them provided such resolution is consistent with the Service's "No Surprises" policy.